

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.13358 of 2017 (O&M)
Date of decision: August 09, 2017

Dr. Nirja Kapoor

...Petitioner

Versus

The Permanent Lok Adalat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sarju Puri, Advocate for the petitioner.

Rajan Gupta, J.

Present petition is directed against the award dated 28.04.2017, passed by Permanet Lok Adalat (Public Utility Services), SBS Nagar, impugning its order, whereby petitioner has been directed to pay compensation of Rs.1.00 lac to the applicant/respondent No.2.

Brief factual background of the case is that Meena Sharma respondent No.2 developed acute pain in the abdomen in the year 2010. On examination it was found that she required surgery of the gallbladder. She thereafter approached Dr. Robin Kapoor (respondent No.3 herein), who conducted an operation for removal of gallbladder on 27.12.2010. She remained admitted as indoor patient for 4-5 days. Immediately after operation, the patient again developed acute pain in the abdomen. She thereafter underwent Ultrasonography at Raja Hospital, where it was opined that gallbladder had not been removed completely and there were still

stones in the same. She, thus, reported to Dr. Robin Kapoor again, who asked her to get another ultrasound done from Kapoor Diagnostic and Scan Centre, Nawanshehar. This test was conducted by Dr. Nirja Kapoor (petitioner herein). Applicant alleged that the said doctor gave a false report stating that gallbladder had been completely removed, but liver of the patient was enlarged. Despite taking medicines for mild fatty liver, patient got no relief. Ultimately, she was referred to Guru Nanak Mission Hospital, Dhahan Kaleran and the doctors at that hospital suspected some foul play. Another ultrasound was conducted, wherein it was found that liver of the patient was normal in size and echotexture, and *gallbladder was intact*. It needs to be noticed that petitioner had reported that gallbladder had been completely removed. Her misconduct is, thus, borne on record. Alleging professional misconduct, applicant/patient invoked jurisdiction of the Permanent Lok Adalat. The said Forum tried for conciliation. Having failed in this effort, it examined the record and proceeded to decide the matter on merits. Lok Adalat came to the conclusion that wrong report had been submitted by the petitioner and directed her to pay Rs.1.00 lac as compensation.

On due consideration of the matter, I find no infirmity with the order. The plea of the petitioner that the Lok Adalat could not have adjudicated upon the matter, is without any basis. It is on record that adjudication was resorted to only after efforts were made for conciliation. On the other hand, for professional misconduct of the petitioner, the patient could have taken resort to other civil/criminal remedies, but he confined his prayer to grant of compensation. The petitioner has been held liable to pay

compensation of Rs.1.00 lac, which is a paltry sum. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 09, 2017

'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No